

AMENDED IN SENATE AUGUST 12, 2002

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY APRIL 2, 2002

AMENDED IN ASSEMBLY MARCH 19, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 3005

Introduced by Committee on Budget (Oropeza (Chair), Aroner, Cardenas, Cardoza, Cedillo, Diaz, Dutra, Firebaugh, Horton, Keeley, Pavley, Simitian, Steinberg, Vargas, and Wright)

March 4, 2002

An act to amend ~~Section 35179.2~~ *Sections 35179.2, 35291, 35291.5, 48209.1, 48209.9, 48209.10, 48209.11, 48209.12, 48209.13, 48209.14, and 48209.15* of, to repeal Article 1 (commencing with Section 44670.1) and Article 2 (commencing with Section 44680) of Chapter 3.1 of Part 25 of, to repeal Chapter 4 (commencing with Section 58600) of Part 31 of, and to repeal Section 62000.5 of, the Education Code, *and to add Section 3024 to the Elections Code*, relating to education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 3005, as amended, Committee on Budget. Education ~~finance~~.

(1) Existing law, the California High School Coaching Education and Training Program, encourages the California Interscholastic Federation to establish a statewide panel for purposes of implementing the program, subject to funds being appropriated for that purpose.

This bill would further condition implementation of the program on funds being appropriated for that purpose in the annual Budget Act.

(2) *Existing law requires the governing board of a school district to notify, as prescribed, the parent or guardian of all pupils registered in schools of the district of the availability of rules of the district pertaining to pupil discipline. Existing law requires each public school to adopt, every 4 years, rules and procedures on school discipline and requires the school to solicit the participation, views, and advice of representatives of parents, teachers, school administrators, school security personnel, and pupils.*

This bill would delete these required actions and would instead authorize school districts and schools to take these actions at their discretion.

(3) Existing law provides funding to school districts for the purpose of establishing and implementing school development plans.

This bill would repeal the provisions of law regarding school development plans.

~~(3)–~~

(4) Existing law provides for the establishment of resource agencies and consortia.

This bill would repeal the provisions of law regarding resource agencies and consortia.

(5) *Existing law, until July 1, 2003, authorizes the governing board of a school district to accept the interdistrict transfer of pupils. If a school district accepts these transfers, existing law requires a school district to follow certain procedures. Existing law authorizes the parent or guardian of a pupil who is prohibited from transferring to appeal the decision to the county board of education.*

This bill would make following the procedures regarding the interdistrict transfer optional for school districts and would delete the right of a parent or guardian to appeal a school district's negative decision regarding an interdistrict transfer.

~~(4)–~~

(6) Existing law, which sunset on June 30, 1995, provided for demonstration programs in intensive instruction. Existing law requires that funding for a sunset program continue for the general purposes of that program.

This bill would repeal those programs and the sunset provision.

~~(5)–~~



(7) *Under existing law, when elections are consolidated, the governing body ordering consolidation may provide for the expenses of the election.*

This bill would prohibit the cost to administer absentee ballots from being prorated to a school district where issues and elective offices related to school districts are included on a ballot election with noneducation issues and elective offices. The bill would require the Commission on State Mandates to delete school districts, county boards of education, and community college districts from the list of eligible claimants in the Parameters and Guidelines for the Absentee Ballot Mandates.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35179.2 of the Education Code is
2 amended to read:
3 35179.2. (a) Subject to funds being appropriated for this
4 purpose in the annual Budget Act, the California Interscholastic
5 Federation is encouraged to establish a statewide panel that
6 includes, at a minimum, the following members: school
7 administrators, school board members, coaches of secondary
8 school athletics, teachers, parents, athletic directors,
9 representatives of higher education, pupils participating in
10 athletics at the secondary school level, and a representative of the
11 State Department of Education, as described in Section 35179.3.
12 (b) The panel established pursuant to subdivision (a) is
13 encouraged to develop an application process whereby public
14 secondary schools may submit applications to the State
15 Department of Education for grants to offset the costs of education
16 and training of athletic coaches in an education and training
17 program that emphasizes the components set forth in subdivision
18 (c) of Section 35179.1.
19 (c) The panel established pursuant to subdivision (a) is
20 encouraged to evaluate applications submitted to the State
21 Department of Education pursuant to subdivision (b) and to
22 recommend applicants to the State Department of Education for



1 the award of dollar-for-dollar matching grants, in an amount
2 determined by the department.

3 SEC. 2. *Section 35291 of the Education Code is amended to*
4 *read:*

5 35291. The governing board of any school district shall
6 prescribe rules not inconsistent with law or with the rules
7 prescribed by the State Board of Education, for the government
8 and discipline of the schools under its jurisdiction. The governing
9 board of each school district which maintains any of grades 1
10 through 12, inclusive, ~~shall~~ *may*, at the time and in the manner
11 prescribed by Sections 48980 and 48981, notify the parent or
12 guardian of all pupils registered in schools of the district of the
13 availability of rules of the district pertaining to student discipline.

14 SEC. 3. *Section 35291.5 of the Education Code is amended to*
15 *read:*

16 35291.5. (a) On or before December 1, 1987, and at least
17 every four years thereafter, each public school, ~~in accordance with~~
18 ~~the requirements of this section, shall~~ *may, at its discretion*, adopt
19 rules and procedures on school discipline applicable to the school.
20 ~~The~~ *For schools that choose to adopt rules pursuant to this article,*
21 *the* school discipline rules and procedures shall be consistent with
22 any applicable policies adopted by the governing board and state
23 statutes governing school discipline. In developing these rules and
24 procedures, each school shall solicit the participation, views, and
25 advice of one representative selected by each of the following
26 groups:

27 (1) Parents.

28 (2) Teachers.

29 (3) School administrators.

30 (4) School security personnel, if any.

31 (5) For junior high schools and high schools, pupils enrolled in
32 the school.

33 Meetings for the development of the rules and procedures
34 should be developed and held within the school's existing
35 resources, during nonclassroom hours, and on normal schooldays.

36 The final version of the rules and procedures on school
37 discipline with attendant regulations ~~shall~~ *may* be adopted by a
38 panel comprised of the principal of the school, or his or her
39 designee, and a representative selected by classroom teachers
40 employed at the school.

1 It shall be the duty of each employee of the school to enforce the
2 rules and procedures on school discipline adopted under this
3 section.

4 (b) The governing board of each school district ~~shall~~ may
5 prescribe procedures to provide written notice to continuing pupils
6 at the beginning of each school year and to transfer pupils at the
7 time of their enrollment in the school and to their parents or
8 guardians regarding the school discipline rules and procedures
9 adopted pursuant to subdivision (a).

10 (c) Each school ~~shall~~ may file a copy of its school discipline
11 rules and procedures with the district superintendent of schools
12 and governing board on or before January 1, 1988.

13 (d) The governing board may review, at an open meeting, the
14 approved school discipline rules and procedures for consistency
15 with governing board policy and state statutes.

16 *SEC. 4.* Article 1 (commencing with Section 44670.1) of
17 Chapter 3.1 of Part 25 of the Education Code is repealed.

18 ~~SEC. 3.—~~

19 *SEC. 5.* Article 2 (commencing with Section 44680) of
20 Chapter 3.1 of Part 25 of the Education Code is repealed.

21 ~~SEC. 4.—~~

22 *SEC. 6.* *Section 48209.1 of the Education Code is amended to*
23 *read:*

24 48209.1. (a) The governing board of any school district may
25 accept interdistrict transfers. No school district that receives an
26 application for attendance under this article is required to admit
27 pupils to its schools. If, however, the governing board elects to
28 accept transfers as authorized under this article, it ~~shall~~ may, by
29 resolution, elect to accept transfer pupils, determine and adopt the
30 number of transfers it is willing to accept under this article, and
31 ensure that pupils admitted under the policy are selected through
32 a random, unbiased process that prohibits an evaluation of whether
33 or not the pupil should be enrolled based upon his or her academic
34 or athletic performance. Any pupil accepted for transfer shall be
35 deemed to have fulfilled the requirements of Section 48204.

36 (b) Either the pupil's school district of residence, upon
37 notification of the pupil's acceptance to the school district of
38 choice pursuant to subdivision (c) of Section 48209.9, or the
39 school district of choice may prohibit the transfer of a pupil under
40 this article or limit the number of pupils so transferred if the

governing board of the district determines that the transfer would negatively impact any of the following:

(1) The court-ordered desegregation plan of the district.

(2) The voluntary desegregation plan of the district that meets the criteria of Section 42249.

(3) The racial and ethnic balance of the district.

(c) The school district of residence shall not adopt policies that in any way block or discourage pupils from applying for transfer to another district.

SEC. 7. Section 48209.9 of the Education Code is amended to read:

48209.9. (a) Commencing January 1, 1994, any application for transfer under this article shall be submitted by the pupil's parent or guardian to the school district of choice that has elected to accept transfer pupils pursuant to Section 48209.1 prior to January 1 of the school year preceding the school year for which the pupil is to be transferred. This application deadline may be waived upon agreement of the pupil's school district of residence and the school district of choice.

(b) The application ~~shall~~ may be submitted on a form provided for this purpose by the State Department of Education and may request enrollment of the pupil in a specific school or program of the district.

(c) Not later than 90 days after the receipt by a school district of an application for transfer, the governing board of the district ~~shall~~ may notify the parent or guardian in writing whether the application has been provisionally accepted or rejected or of the pupil's position on any waiting list. Final acceptance or rejection shall be made by May 15 preceding the school year for which the pupil is to be transferred. In the event of an acceptance, that notice ~~shall~~ may be provided also to the school district of residence. If the application is rejected, the district governing board ~~shall~~ may set forth in the written notification to the parent or guardian the specific reason or reasons for that determination, and shall ensure that the determination, and the specific reason or reasons therefor, are accurately recorded in the minutes of ~~the~~ a regularly scheduled board meeting in which the determination was made.

(d) ~~The parent or guardian of a pupil who is prohibited from transferring pursuant to either subdivision (b) of Section 48209.1~~

1 ~~or Section 48209.7 may appeal the decision to the county board of~~
2 ~~education.~~

3 ~~(e)~~ Final acceptance of the transfer is applicable for one school
4 year and will be renewed automatically each year unless the school
5 district of choice through the adoption of a resolution withdraws
6 from participation in the program and no longer will accept any
7 transfer pupils from other districts. However, if a school district of
8 choice withdraws from participation in the program, high school
9 pupils admitted under this article may continue until they graduate
10 from high school.

11 *SEC. 8. Section 48209.10 of the Education Code is amended*
12 *to read:*

13 48209.10. (a) Any school district of choice that admits any
14 pupil under this section ~~shall~~ may accept any completed
15 coursework, attendance, and other academic progress credited to
16 that pupil by the school district or districts previously attended by
17 that pupil, and shall grant academic standing to that pupil based
18 ~~upon the district's evaluation of that academic progress.~~

19 (b) Any school district of choice that admits a pupil under this
20 section may revoke the pupil's transfer if the pupil is
21 recommended for expulsion pursuant to Section 48918.

22 *SEC. 9. Section 48209.11 of the Education Code is amended*
23 *to read:*

24 48209.11. (a) The average daily attendance for pupils
25 admitted by a school district of choice pursuant to this article shall
26 be credited to that district pursuant to Section 46607. The
27 attendance report for the school district of choice ~~shall~~ may
28 include an identification of the school district of residence.

29 (b) Notwithstanding other provisions of law, state aid for
30 categorical education programs for pupils admitted under this
31 article shall be apportioned to the school district of choice.

32 (c) For any school district of choice that is a basic aid district
33 the Superintendent of Public Instruction, commencing with the
34 1995–96 fiscal year, shall calculate for that basic aid district an
35 apportionment of state funds that provides 70 percent of the district
36 revenue limit calculated pursuant to Section 42238 that would
37 have been apportioned to the school district of residence for any
38 average daily attendance credited pursuant to this section. For
39 purposes of this subdivision, the term “basic aid district” means
40 a school district that does not receive from the state, for any fiscal

1 year in which the subdivision is applied, an apportionment of state
2 funds pursuant to subdivision (h) of Section 42238.

3 (d) The State Allocation Board shall develop procedures to
4 ensure that the average daily attendance of pupils admitted by a
5 school district of choice pursuant to this article shall be credited to
6 that school district for the purposes of any determination under
7 Chapter 22 (commencing with Section 17700) of Part 10 that
8 utilizes an average daily attendance calculation.

9 *SEC. 10. Section 48209.12 of the Education Code is amended*
10 *to read:*

11 48209.12. Upon request of the pupil's parent or guardian,
12 each school district of choice that admits a pupil under this section
13 to any school or program of the district ~~shall~~ may provide to the
14 pupil transportation assistance within the boundaries of the district
15 to that school or program, to the extent that the district otherwise
16 provides transportation assistance to pupils.

17 *SEC. 11. Section 48209.13 of the Education Code is amended*
18 *to read:*

19 48209.13. Each school district ~~shall~~ may make information
20 regarding its schools, programs, policies, and procedures available
21 to any interested person upon request.

22 *SEC. 12. Section 48209.14 of the Education Code is amended*
23 *to read:*

24 48209.14. (a) Pursuant to this article, each school district
25 ~~shall~~ may keep an accounting of all requests made for alternative
26 attendance and records of all disposition of those requests that ~~shall~~
27 may include, but are not to be limited to, all of the following:

28 (1) The number of requests granted, denied, or withdrawn. In
29 the case of denied requests, the records ~~shall~~ may indicate the
30 reasons for the denials.

31 (2) The number of pupils transferred out of the district.

32 (3) The number of pupils transferred into the districts.

33 (b) The information maintained pursuant to subdivision (a)
34 ~~shall~~ may be reported to the governing board of the school district
35 at an ~~open~~ regularly scheduled meeting of the governing board.

36 ~~After~~ If the information is reported to the governing board of the
37 school district, the information shall be reported to the
38 Superintendent of Public Instruction no later than January 1, 1996,
39 and annually thereafter, and the superintendent shall make the

1 information available to the Governor, the Legislature, and the
2 public.

3 *SEC. 14. Section 48209.15 of the Education Code is amended*
4 *to read:*

5 48209.15. (a) It is the intent of the Legislature that every
6 parent in this state be informed of their opportunity for currently
7 existing choice options under this article regardless of ethnicity,
8 primary language, or literacy.

9 (b) Notwithstanding Section 48980, before the beginning of
10 the first semester or quarter of the regular school term, each county
11 board of education ~~shall~~ *may*, to the extent that funding is provided
12 for the purposes of this section, adopt a plan to conduct an
13 aggressive, focused outreach program that meets the intent of this
14 section.

15 *SEC. 15. Chapter 4 (commencing with Section 58600) of Part*
16 *31 of the Education Code is repealed.*

17 ~~SEC. 5.—~~

18 *SEC. 16. Section 62000.5 of the Education Code is repealed.*

19 ~~SEC. 6.—~~

20 *SEC. 17. Section 3024 is added to the Elections Code, to read:*

21 *3024. The cost to administer absentee ballots where issues*
22 *and elective offices related to school districts, as defined by*
23 *Section 17519 of the Government Code, are included on a ballot*
24 *election with noneducation issues and elective offices shall not be*
25 *fully or partially prorated to a school district. The Commission on*
26 *State Mandates shall delete school districts, county boards of*
27 *education, and community college districts from the list of eligible*
28 *claimants in the Parameters and Guidelines for the Absentee*
29 *Ballot Mandates.*

30 *SEC. 18. This act is an urgency statute necessary for the*
31 *immediate preservation of the public peace, health, or safety*
32 *within the meaning of Article IV of the Constitution and shall go*
33 *into immediate effect. The facts constituting the necessity are:*

34 *In order to make the necessary statutory changes to implement*
35 *the Budget Act of 2002 at the earliest possible time, it is necessary*
36 *that this act take effect immediately.*